

## RULEMAKING NOTICE FORM

Notice Number \_\_\_\_\_

Rule Number **Env-A 803.03, 803.04 intro., 1211.02  
intro. & (az), 1211.12, 1211.21**

1. Agency Name & Address:  <b>Dept. of Environmental Services 29 Hazen Drive P.O. Box 95 Concord, NH 03302-0095</b>	2. RSA Authority:	RSA 125-C:4,I(a) & (k)
	3. Federal Authority:	42 U.S.C. §§ 7410, 7502(c), & 7511c
	4. Type of Action:	
	Adoption	_____
	Amendment	_____ <b>x</b> _____
	Repeal	_____
	Readoption	_____
	Readoption w/amendment	_____ <b>x</b> _____

5. Short Title: **AUXILIARY BOILERS**

6. (a) Summary of what the rule says and the effect of the rule on those regulated:

Several rules are being amended to correct an oversight with respect to small auxiliary boilers, those with a heat input rate of at least 5,000,000 Btu per hour but less than 50,000,000 Btu per hour. Currently, auxiliary boilers of this size are required to perform compliance stack testing every three years. Utility boilers, steam electric boilers, or industrial boilers of this size are allowed to perform an efficiency test, make annual adjustments to the combustion process, and perform gaseous concentration measurements, in lieu of compliance stack testing. If adopted, the proposed amendments will allow owners and operators of small auxiliary boilers to perform the same testing activities required of other, similar-sized boilers. Another change with respect to auxiliary boilers is that Env-A 1211.12(c) is being deleted, so that if such a boiler emits more than 50 tons per year of nitrogen oxides (NOx), it will be required to continue meeting the emission limit for auxiliary boilers instead of becoming subject to the limits for industrial boilers, which are more lenient for oil-fired boilers. In addition, the definition of “theoretical potential NOx emissions” is being moved from Env-A 101 to Env-A 1211, the only part in which the term is used, and is being amended since it currently refers to a definition that has been repealed. The Department is proposing to delete Env-A 1211.21(b), which requires the installation and operation of a continuous emission monitoring system (CEMS) on all utility boilers, regardless of size. Small boilers, especially those not operated continuously, do not need to be monitored continuously, and other existing rules currently require CEMS on larger boilers and give the Department the authority to require CEMS on other utility boilers if necessary.

6. (b) Brief description of the groups affected:

Owners and operators of auxiliary boilers and utility boilers.

6. (c) Specific section or sections of state statute or federal statute or regulation which the rule is intended to implement:

<b>Provision of the Proposed Rule</b>	<b>Specific Section of State or Federal Statute or Regulation which the Rule Is Intended to Implement</b>
<b>Env-A 803.03, 803.04 intro.</b>	<b>RSA 125-C:6, XI; 42 U.S.C. §§7410 &amp; 7502(c)</b>
<b>Env-A 1211.02 intro. &amp; (az), 1211.12, 1211.21</b>	<b>RSA 125-C:4,I(a); 42 U.S.C. §§ 7410, 7502(c), &amp; 7511c</b>

7. Contact person for copies and questions including requests to accommodate persons with disabilities:

<p>Name: <b>Barbara Hoffman</b></p> <p>Address: <b>Dept. of Environmental Services</b>  <b>P.O. Box 95</b>  <b>Concord, NH 03302-0095</b></p>	<p>Title: <b>SSMB Planning Manager</b></p> <p>Phone #: <b>(603)271-7874</b></p> <p>Fax#: <b>(603)271-7053</b></p> <p>E-mail: <b>bhoffman@des.state.nh.us</b></p> <p>TTY/TDD Access: Relay NH 1-800-735-2964 or dial 711 (in NH)</p>
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The proposed rules can be viewed and downloaded at  
<http://www.des.state.nh.us/ard/prpsdrul.htm>

8. Deadline for submission of materials in writing or, if practicable for the agency, in the electronic format specified: **October 25, 2004, at 4:00 p.m.**

☒ Fax
 ☒ E-mail
 ☐ Other format (specify):

9. Public hearing scheduled for:

Date and Time: **Thursday, October 14, 2004, 9:30 a.m.**

Place: **29 Hazen Drive, Concord, NH Room 114**

10. Fiscal Impact Statement (Prepared by Legislative Budget Assistant)

FIS # 04:149 , dated August 2, 2004

See Attached.

11. Statement Relative to Part I, Article 28-a of the N.H. Constitution:

No political subdivisions own or operate any auxiliary boilers subject to these amendments. Therefore, the proposed rules do not violate Part I, Article 28-a of the New Hampshire Constitution, because they do not assign any new, modified, or expanded programs or responsibilities to political subdivisions of the state.